



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: State Board of Health

- ☒ **Preproposal Statement of Inquiry was filed as WSR 15-16-053 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR ; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR**
☐ **Continuance of WSR**

Title of rule and other identifying information: (Describe Subject)

WAC 246-290-460, Fluoridation of drinking water. The proposed rule adopts a single optimal fluoridation concentration level, reduces the operating range tolerance; requires water systems that fluoridate to notify the Department of Health (department) before they stop fluoridating; and makes clarifying changes.

Hearing location(s): Department of Health
 Point Plaza East, Room 152/153
 310 Israel Road SE
 Tumwater, Washington 98501

Date: March 9, 2016

Time: 1:00 p.m.

Submit written comments to:

Name: Theresa Phillips
 Address: Department of Health
 PO Box 47820
 Olympia, Washington 98504-7820
 e-mail: <http://www3.doh.wa.gov/policyreview/>
 fax (360) 236-2250 by (date) 02/23/2016

Assistance for persons with disabilities: Contact

Melanie Hisaw by 02/24/2016

TTY (800) 833-6388 or () 711

Date of intended adoption: 03/09/2016

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposal: 1) Adds the new U.S. Department of Health and Human Services (HHS) recommendation for an optimal fluoride level of 0.7 milligrams per liter (mg/L) for Group A public water systems that choose to fluoridate; 2) Reduces the operating range for water systems that fluoridate from 0.8 to 1.3 mg/L down to 0.5 to 0.9 mg/L; 3) Adds a requirement for water systems that fluoridate to notify the department before permanently stopping fluoridation; and 4) Makes clarifications to existing requirements concerning monitoring and reporting results to the department.

Reasons supporting proposal:

HHS set the new recommended single concentration of 0.7 mg/L based on recent studies that indicate water intake no longer varies by climate fluctuations across the nation. In addition, the increased use of fluoridated products such as toothpaste, mouthwash, drops or tablets, and professionally applied varnish or gel. These changes mean that the higher fluoride concentration in drinking water is no longer necessary. The new optimal fluoride level is intended to continue to improve dental health and reduce the potential for dental fluorosis.

Statutory authority for adoption:

RCW 43.20.050(2)

Statute being implemented:

RCW 70.119A.080 and RCW 43.20.050(2)

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION:

DATE 01/20/16

NAME (type or print)
 Michelle A. Davis

SIGNATURE

Michelle A. Davis

TITLE
 Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: January 20, 2016

TIME: 10:33 AM

WSR 16-03-084

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Washington State Board of Health

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Theresa Phillips	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3147
Implementation....Clark Halvorson	243 Israel Rd SE, Tumwater, WA 98501	(360) 236-3100
Enforcement.....Clark Halvorson	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3100

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

☒ No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Theresa Phillips

Address: Department of Health

PO Box 47820

Olympia, Washington 98504-7820

phone (360) 236-3147

fax (360) 236-2250

e-mail theresa.phillips@doh.wa.gov

☐ No: Please explain: